

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

Bail Appl..No. 7043 of 2006()

CRIME NO. 679/06 OF ERNAKULAM TOWN NORTH POLICE STATION

PETITIONER/ACCUSED

PRADEEP, S/O. P.V.PAPPUKUTTAN,
PANDAVATH HOUSE, MEKKAD P.O.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 24/11/2006 ALONG WITH BA. 6824/06 THE COURT
ON 28/11/2006 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. Nos. 7043 of 2006
&
6824 of 2006

Dated, this the 28th day of November 2006

ORDER

These are petitions for anticipatory bail. Petitioners 2 and 3 in B.A. 6824/06 are accused Nos. 1 and 3 and the petitioner in 7043/06 is the 2nd accused in Crime No. 679/06 of Ernakulam Town North Police Station for offences punishable under Sections 381, 406, 420 read with Sec. 34 I.P.C. and Sections 65 and 72 of the Information Technology Act, 2000.

2. The learned Public Prosecutor opposed the applications. He made available to me the case diary files.

3. The de facto complainant is the Managing Director of Katuns Entertainment Private Limited, Kaloor, Ernakulam. The said company was started in April 2002. First accused (Abin Thomas) joined the Company on 1-3-2006 as a Macintosh Programmer. While he was working with Katuns he strongly recommended A2 (Pradeep) for a job in the Company. Accordingly, A2 was appointed as a Software Programmer in the company from 18-9-2006 onwards. All of a sudden A1 left the company on 6-10-2006 under the pretext of doing PhD, in M.G. University, leaving incomplete the assignment given to him. On 16-10-2006 A2 also went on leave for allegedly attending an

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interview for a PhD programme with BITS, Pilani to be held in Bangalore. On 20-10-2006 A2 informed the complainant that he was selected and he will be quitting the Company on 10-11-2006 to join the PhD programme. One of the policies of the complainant company is that the source codes of various projects undertaken for international clients should not be taken out of office. But the complainant came to know that A2 used to take the source codes to his residence. Getting suspicious, the complainant began to closely monitor the activities of A2. By monitoring his e-mail correspondence the complainant realised that A2 was acting as an inside agent of a company called Source Bits Technologies Private Ltd., Bangalore. It was also found that A1 who had left the complainant was also associated with the above mentioned company and they had passed on the confidential client information from Katuns to Source Bits. A2 had given critical details of the computer details in Katuns to A3 (Jimmy Jacob) to access the network of Katuns from outside. A software launched by Source Bits was by using the source code of a software which was a confidential research product of a U.K. Firm that was stolen from Katuns. The U.K. based company had spent millions of dollars for developing the software. The software was provided to Katuns by a German Company for developmental activities which A1 was engaged in. The complainant suspects that A1 had stolen from Katuns and had clandestinely given the source code to Source Bits in blatant violation of Intellectual Property Rights. Dr. Rohit Singal, the first petitioner in B.A. 6824/06 is a friend of A3 and it was A3 who

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introduced A1 and A2 to Source Bits and he is the main technical brain behind the I.P. stealing activities.

4. The investigation of the case is only at the preliminary stage and the exact picture of the cyber crime is yet to come into focus. If at this stage of investigation the petitioners are granted anticipatory bail, that will definitely hamper the smooth investigation of the case. Custodial interrogation of the petitioners is naturally inevitable. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. I am not inclined to grant anticipatory bail to the petitioners.

These petitions are, accordingly, dismissed.

**V. RAMKUMAR,
(JUDGE)**

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